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TESTE: LILLIE M. HART, CLERK
By [Signature] D.C.

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA)
)
v.) CR 03-3089, CR03-3090 & CR03-3091
)
LEE BOYD MALVO)

NOTICE AND MOTION

Please take notice that I will, on October 9, 2003 at 2pm, or as soon thereafter as I may be heard, move the court, pursuant to § 19.2-264.3:1(F) of the Code of Virginia, to appoint Parke Dietz, a qualified mental health expert, to perform an evaluation of the mental condition of the defendant at the time of the offense. I will also ask the court, pursuant to § 19.2-264.3:1(F), to order the defendant to submit to such an evaluation and to advise him of the consequences of a refusal to cooperate.

Respectfully submitted,

ROBERT F. HORAN, JR
Commonwealth's Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice and Motion was mailed, postage prepaid, and faxed to Michael Arif, Counsel for Defendant, 8001 Braddock Road, # 105, Springfield, Virginia 22151 and Craig Cooley, Counsel for the Defendant, 3000 Idlewood Avenue, P.O. Box 7268, Richmond, Virginia 23221 this 7th day of October, 2003.

ROBERT F. HORAN, JR
Commonwealth's Attorney